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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PHAN, JOSEPH T

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 02/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/325,423	ALI ET AL.	
	Examiner	Art Unit	
	Joseph T Phan	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 November 2002.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 04 June 1999 is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16 and 23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 16 and 23 line 7, it is unclear and confusing if the "more than one incoming call" reviews the logged entries. The incoming call is not able to review information. Appropriate correction or deletion of the phrase is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**3. Claims 1-25 rejected under 35 U.S.C. 102(b) as being anticipated by Arbel et al., Patent #5,276,731.**

Regarding claims 1, Arbel teaches a notification module for a voice messaging system, comprising:

an auto dialing calling module adapted to initiate a communication with a user at a remote location (140 Fig.1 and col.4 lines 50-54)

a table associating particular events with a need for notification of said user and a controller to activate said auto dialing calling module to notify said user upon satisfaction of a particular event (370 Fig.3 and Tables in col.9 and col.10) wherein said satisfaction of said particular event is determined based on a comparison of a plurality of entries in said table to call related information contained in a log (col.8 lines 6-38)

Regarding claim 2, Arbel teaches the notification module for a voice messaging system according to claim 1, wherein:

said call related information is Caller ID information (col.8 lines 6-20)

Regarding claims 3 and 4, Arbel teaches the notification module for a voice messaging system according to claim 1, wherein:

said particular events include a occurrence of a predetermined number of telephone calls within a range of time from a particular caller (col.9 lines 36-49).

Regarding claim 5, Arbel teaches the notification module for a voice messaging system according to claim 1, wherein:

said particular events include a predetermined number of telephone calls from any party within a predetermined range of time (col.4 lines 37-49 and col.9 lines 36-49; the predetermined number is one call).

Regarding claims 6 and 7, Arbel teaches the notification module for a voice messaging system according to claim 1, further comprising:  
an audible notification message to be communicated to said remote user (col.9 lines 36-49; a telephone ring is audible).

Regarding claim 8, Arbel teaches the notification module for a voice messaging system according to claim 6, wherein:  
said notification message is a textual message (col.7 line 58- col.8 line 5).

Regarding claims 9 and 10, Arbel teaches the notification module for a voice messaging system according to claim 1, further comprising:  
a remote notification designation identifying a telephone number/communication address of said remote user (col.9 line 51-col.10 line 19).

Regarding claim 11, Arbel teaches the notification module for a voice messaging system according to claim 10, wherein:  
said communication is provided by establishment of a telephone call (col.9 line 39- col.10 line 19).

Regarding claim 12, Arbel teaches the notification module for a voice messaging system according to claim 10, wherein:  
said communication includes transmission of information over the Internet (col.7 lines 58-66 and col.11 lines 1-10; it is understood and known that transmitting text or audio messages over the internet can be performed via personal computers).

Regarding claim 13, Arbel teaches the notification module for a voice messaging system according to claim 10, wherein:  
said communication is an email message (col.7 lines 58-66 and col.10 lines 52-64; an *email message is a form of a text message; other prior arts also teach telephone audio messages attached to email*).

Regarding claim 14, Arbel teaches the notification module for a voice messaging system according to claim 10, wherein:  
said voice messaging system is a telephone answering device (col.8 lines 57-68; a device is known to answer a telephone call).

Regarding claim 15, Arbel teaches the notification module for a voice messaging system according to claim 1, further comprising:  
a call related information detector/receiver to detect and receive call relating information regarding incoming telephone calls(Fig.1 110, 120, 130, or 140 and col.8 lines 6-32 and col.10 lines 52-64).

Regarding claim 16, Arbel teaches a method for notifying a user of a voice messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls, comprising: logging a plurality of entries of call related information as it is received by said voice messaging system (col.12 lines 7-19);

reviewing said plurality of entries of logged call related information for satisfaction of a predetermined event by more than one incoming call based on said logged call related information and notifying a remote user with a notification message in response to satisfaction of said predetermined event (col.12 lines 7-35);

Regarding claims 17 and 18, Arbel teaches the method for notifying a user of a voice messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls according to claim 16, wherein:

said remote user is notified by the establishment of a telephone call from said voice message system (col.9 lines 39-49).

Regarding claim 19, Arbel teaches the method for notifying a user of a voice messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls according to claim 16, wherein:

said remote user is notified with a textual notification message (col.7 lines 57-68 and col.11 lines 1-10).

Regarding claim 20, Arbel teaches the method for notifying a user of a voice

messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls according to claim 16, wherein:

said textual notification message is an email message (col.11 lines 1-10; it is understood and known that email messages can be transmitted via computer).

Regarding claim 21, Arbel teaches the method for notifying a user of a voice messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls according to claim 16, wherein:

said call related information is Caller ID information (col.8 lines 6-20).

Regarding claim 22, Arbel teaches the method for notifying a user of a voice messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls according to claim 16, wherein:

said voice messaging system is a telephone answering device (110-140 Fig.1 and col.8 lines 57-68; a device is needed to answer a telephone call)

Regarding claim 23, Arbel teaches an Apparatus for notifying a user of a voice messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls, comprising:  
means for logging a plurality of entries of call related information as it is received by said voice messaging system;

means for reviewing said plurality of entries of logged call related information for satisfaction of a predetermined event by more than one incoming call based on said logged call related information for notifying a remote user with a notification message in response to satisfaction of said predetermined event

**4. Claims 24 and 25 rejected under 35 U.S.C. 102(e) as being anticipated by Rogers et al., Patent #5,946,386 or Arbel et al., Patent #5,276,731 as a 102(b) reference.**

Regarding claim 24, Rogers and Arbel teaches a telephone answering device comprising: a controller and voice recorder/playback module (Rogers 101 Fig.1, 201 Fig.2, col.23 lines 29-44; Arbel Fig.1 120-140 and col.8 lines 46-68); and a calling module activated by receipt of predetermined call related information, said calling module being adapted to initiate a telephone call to a predetermined notification telephone number upon satisfaction of a predetermined event based on received call related information (Rogers 108 Fig.2 lines 54-57; Arbel Fig.1 120-140 and col.9 line 58- col.10 line 27).

Regarding claim 25, Rogers and Arbel teaches the telephone answering device according to claim 24, wherein: said calling module is further adapted to provide a notification message to a party answering said predetermined notification telephone number (Rogers col.12 lines 18-29; Arbel col.8 line 57-col.9 line 49).

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Swartz, Patent #6,445,694 teaches transmission via the internet and email messages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 8:30-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

JTP  
February 2, 2003

